

# UNITED STATES DISTRICT COURT

for the  
Eastern District of North Carolina

SELECT JUDGE BEFORE SELECT Case No.:

Howard

United States of America

v.

David Gerald Byrd

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Case No: 5:04-CR-00166-H-003

Date of Original Judgment: April 21, 2009

USM No: 24815-056

Date of Previous Amended Judgment:

Defendant's Attorney Thomas P. McNamara

(Use Date of Last Amended Judgment if Applicable)

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_

The defendant was sentenced at the statutory minimum and that minimum did not charge as a result of the retroactive amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated April 21, 2009, shall remain in effect. . **IT IS SO ORDERED**

Order Date:

11/21/12

  
Judge's signature

Effective Date:

(if different from order date)

Malcolm J. Howard, Senior U.S. District Judge

Printed name and title

EDNC Rev. 11/8/2011